

# **Waterboro Sex Offender Ordinance**

## **Section 1: Purpose**

Acknowledging that sex offenders who prey upon children are at a higher risk of re-offending, the town of Waterboro has a compelling interest to protect the health, safety, and welfare of its children by restricting access to areas where concentration of children exists.

## **Section 2: Definitions**

1. **Registered Sex Offender** – An individual convicted of a crime against a person under the age of 16 and as a result, required to register for life pursuant to Title 34-A MRSA, Chapter 15
2. **School** – Any public or private educational facility with over 250 students that provides services to those 16 years and younger.
3. **Daycare Facility** – Any public or private facility that provides services to those 16 years and younger that is licensed with the town of Waterboro as a daycare facility.
4. **Premises** – Shall mean the building structure or surrounding the building, playground area, playing field, or courts.
5. **Radius** – Distance shall be measured from the outer property lines.

## **Section 3: Restrictions**

1. Any person who is a convicted sex offender involving a minor, and is required to register for life, shall not reside within a 2500-foot radius of the property line of a school or within a 1000-foot radius of the property line of a daycare facility.
2. Any person who is a convicted sex offender involving a minor, and is required to register for life, is prohibited from entering upon the premises of a school or daycare facility, unless specifically authorized by the school administration or daycare facility owner.

## **Section 4: Exceptions**

A registered sex offender residing within 2500-feet of a school or within 1000-feet of a daycare is not in violation if the residency was established prior to the date of passage and residency has been consistently maintained. A sex offender is not in violation of this ordinance if a school or daycare facility is built or moved into the 2500/1000-foot restricted area as long as the offender resided at this location prior to the new establishment and residency had been consistently maintained.

## **Section 5: Violation; injunctive relief and penalties**

Any person who, after written notice from the Town about the requirements of this Ordinance, is in violation of the provisions of this Ordinance shall be subject to an action brought by the Town in the District Court or the Superior Court to enforce the requirements of this Ordinance. The Town may seek injunctive relief to require compliance with the provisions of the Ordinance. The Town may also seek a penalty in the minimum amount of \$500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town. In the event that the Town is the prevailing party in an action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, costs and any expert witness fees.

## **Section 6: Takes Effect**

This ordinance shall take effect upon passage.

Approved by voters at the 11/7/06 election.